



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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March 23, 2017

NOTICE OF INTENT TO AMEND ORDER 08

AND

NOTICE OF OPPORTUNITY TO FILE WRITTEN RESPONSE

(By Thursday, March 30, 2017)

RE: *In the Application TC-143691 of Speedishuttle Washington, LLC, d/b/a Speedishuttle Seattle*
Docket TC-143691
Shuttle Express, Inc. v. Speedishuttle Washington, LLC d/b/a Speedishuttle Seattle
Docket TC-160516
Speedishuttle Washington, LLC d/b/a Speedishuttle Seattle v. Shuttle Express, Inc.
Docket TC-161257

TO ALL PARTIES:

On May 16, 2016, Shuttle Express, Inc. (Shuttle Express) filed with Washington Utilities and Transportation Commission (Commission) a Petition for Rehearing of Matters in Docket TC-143691 and to Cancel or Restrict Certificate No. C-65854 Based on Misrepresentations by Applicant, Errors and Omissions in Prior Proceedings, and Changed Conditions not Previously Considered.

Also on May 16, 2016, Shuttle Express filed with the Commission a Formal Complaint Against Speedishuttle Washington, LLC (Speedishuttle) for its Rules, Regulations, or Practices in Competition with Complainant that are Unreasonable, Insufficient, Unremunerative, Discriminatory, Illegal, Unfair, or Tending to Oppress the Complainant in Docket TC-160516.

On August 4, 2016, the Commission entered Order 06, Order Granting Petition for Rehearing in Docket TC-143691. On August 24, 2016, Speedishuttle filed a Petition for Administrative Review of Order 06.

On September 27, 2016, the Commission entered Order 08, Order Denying Requests for Review of Order 06; Denying Leave to Reply; Granting, in Part, Motion to Strike (Order 08). Order 08 clarified that the sole issue the Commission will consider on rehearing is whether Speedishuttle is limiting the service it provides to the service and customer types described in the business model on which the Commission based its grant of authority.

On December 1, 2016, Speedishuttle filed with the Commission a formal complaint against Shuttle Express in Docket TC-161257, alleging that Shuttle Express has used independent contractors and paid commissions to unauthorized agents in violation of Commission orders and Commission rules.

On January 5, 2017, the Commission entered Order 12/05/02, Order Granting Motion to Consolidate; Order of Consolidation (Order 12). In response to Order 12, Commission staff (Staff) notified the Commission that it would independently investigate the allegations set out in Speedishuttle's complaint.

On March 17, 2017, Staff filed testimony related to its investigation of Shuttle Express's use of independent contractors. Staff alleges that Shuttle Express violated Commission rules on 40,727 occasions between January 2014 and September 2016 by using non-owned vehicles and non-employee drivers to provide regulated auto transportation service.

At the hearing on Speedishuttle's application in Docket TC-143691, Speedishuttle requested the Commission find that Shuttle Express does not provide service to the Commission's satisfaction as a basis for granting its authority. The Commission did not reach that question in its final analysis, instead finding that Speedishuttle proposed to offer different service than Shuttle Express provided. Speedishuttle's complaint and Staff's investigation, however, now raise concerns regarding whether Shuttle Express is providing service to the Commission's satisfaction.

In light of the allegations set out in Speedishuttle's complaint and Staff's testimony, the Commission, on its own motion, intends to modify Order 08 to include on rehearing the issue of whether Shuttle Express is providing service to the Commission's satisfaction pursuant to RCW 81.68.040 and WAC 480-30-140.

Any party to this proceeding may file a written response to the Commission's proposed amendment to Order 08 no later than Thursday, March 30, 2017. Any party who responds should consider whether additional time is necessary to address this issue and include any proposed modifications to the procedural schedule in its response.

THE COMMISSION GIVES NOTICE That parties must file any responses to the Commission's proposed amendment to Order 08 by 5:00 p.m., Thursday, March 30, 2017.

RAYNE PEARSON
Administrative Law Judge